

Court of Appeals, State of Michigan

ORDER

People of MI v Darryl Antoine Young

Docket No. 323329

LC No. 11-004680-FC

Kurtis T. Wilder
Presiding Judge

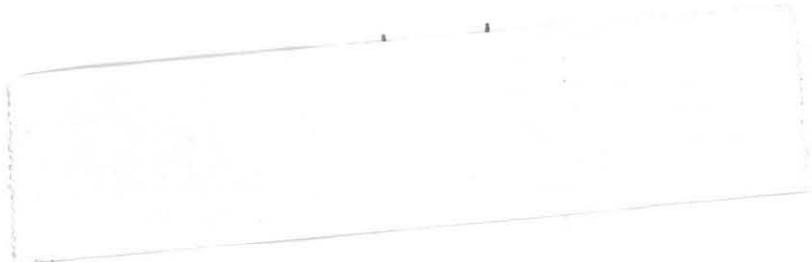
Christopher M. Murray

Michael J. Riordan
Judges

Pursuant to MCR 7.205(E)(2), the Court orders that the August 5, 2014 order is VACATED IN PART only to the extent the court denied defendant's request for correction of defendant's presentence information report and judgment of sentence. Defendant has provided some support for his position that the jury found him guilty of voluntary manslaughter, but his judgment of sentence and his PSIR state that he was convicted of involuntary manslaughter. The judgment must reflect the crime for which defendant was convicted, MCR 6.427(3), and defendant is entitled to have the correct information sent to the Department of Corrections. See MCL 771.14(6); MCR 6.425(E)(2). This matter is REMANDED to the circuit court for a determination of whether the judgment of sentence and PSIR correctly reflect the jury's verdict, to make any necessary corrections to those documents and to forward any corrected documents to the Department of Corrections. The court properly denied defendant's request for resentencing on the basis of an incorrect scoring of the guidelines because the guidelines are calculated the same for either voluntary or involuntary manslaughter, MCL 750.321; MCL 777.16p; MCL 777.22(1), and, according to the transcript excerpts defendant provided to this Court, the sentencing court indicated its understanding that the jury convicted defendant of voluntary manslaughter.

The application for leave to appeal is otherwise DENIED.

This Court retains no further jurisdiction.



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

JAN 09 2015

Date

Chief Clerk